

REVISED
DRAFT 2/14/12 – SUBJECT TO CHANGE
For Review and Adoption by DSC at the March 15-16, 2012 Meeting
DELTA STEWARDSHIP COUNCIL
Thursday, February 9 and Friday, February 10, 2012
West Sacramento City Hall Galleria
1110 West Capitol Avenue
West Sacramento, CA 95691

MEETING SUMMARY

Note: Copies of all Council meeting agendas and links for all documents can be found at the DSC website, www.deltacouncil.ca.gov. Specific links are provided in the meeting summary for those items submitted at the meeting.

Thursday, February 9, 2012, 10:00 a.m. – 4:30 p.m.

1. Welcome and Introductions

The meeting was called to order at 10:02 a.m., February 9, 2012, by Chair Phillip Isenberg.

2. Roll Call – Establish a Quorum (Water Code §85210.5)

Roll call was taken and a quorum established. The following members were present for the meeting: Patrick Johnston, Gloria Gray, Phillip Isenberg, and Don Nottoli. Absent: Hank Nordhoff, Felicia Marcus and Randy Fiorini.

3. Chair's Report

Chair Isenberg had nothing to report and moved to the Executive Officer's Report.

4. Executive Officer's Report

Joe Grindstaff handed out an overview of the public comments received on the Delta Plan Draft Program EIR, which included a summary of the process, the volume and the type of comments. The report is posted at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_4_Executive_Officers_Report.pdf

Mr. Grindstaff reviewed the document and stated the Delta Plan Draft Program EIR was released on November 4, 2011 for public review and comments were due on or before February 2, 2012. Comments were received from more than 200 commenters who submitted letters and emails as well oral testimony at the seven public hearings that were held throughout the state. The written comments totaled approximately 5,000 pages. Mr. Grindstaff stated that over the next few weeks, all of the comments will be reviewed and written responses will be prepared. Comments and responses will be

published in a Final EIR in spring 2012. Because of the volume of substantive comments received, Mr. Grindstaff recommended the February 23-24, 2012 Council meeting be cancelled in order for staff to continue to review the comments and then formulate for the Council's consideration proposed changes to the draft Delta Plan. Presently, comments are being scanned by staff in preparation for posting on the DSC website in a standardized format where each letter will be linked to the master comment list.

4a. Legislative and Legal Update

Chris Stevens presented a brief update on the salmon and delta smelt biological opinion cases. Both cases are in various stages of remand; meaning the federal government must redo the biological opinions for salmon and smelt. Mr. Stevens stated that, in the meantime, both cases are on appeal in the 9th Circuit Court.

Mr. Stevens reported on the Department of Fish and Game's (DFG) intention to sue the U.S. Army Corps of Engineers over its policy requiring the removal of trees and shrubs on Central Valley flood project levees. Because of procedural problems, the DFG was unable to join an earlier lawsuit and it has sent the Corps a 60-day notice of intent to sue under the federal Endangered Species Act. DWR also opposes the Corps' policy, stating research has shown that trees may actually help strengthen levees and that removing the trees from the levees would be very costly and could divert resources from more pressing flood-safety projects.

Although there was no Legislative Update, Curt Miller was called to the table to answer Council member Gray's question on SB 834 (Wolk). Council member Gray asked if the bill would be reintroduced. Mr. Miller stated the deadline to resubmit the bill was next week but he didn't know if it would be reintroduced. Mr. Miller will keep the Council updated on the bill. Mr. Miller also provided clarification on the listing of legislation of interest to the Council that is regularly included in the members' meeting materials.

Chair Isenberg asked if there were any questions or comments on the Executive Officer's report – there was none.

5. Adoption of the January 26, 2012 Meeting Summary (Action Item)

Chair Isenberg asked if there were any questions, suggestions or comments from the Council or the public about the January 26, 2012 Meeting Summary. Chair Isenberg requested the second paragraph of the Chair's Report (Agenda Item 3) be rewritten and suggested wording such as: "Chair Isenberg stated as of this meeting the Council has held approximately 69 meetings of various types since its creation in 2010." Chair Isenberg also suggested rewriting the paragraph on the EIR Field Hearings (Agenda Item 4d) where Council member Nottoli's name was erroneously omitted as being present on the Council and suggested wording similar to: "Council member Don Nottoli noted he attended the meeting in Clarksburg and the record will be amended to reflect his attendance."

Chair Isenberg asked if there were any other questions, comments or suggestions and as there were none, it was moved (Johnston) and seconded (Gray) to approve the January 26, 2012 meeting summary as amended. A vote was taken (4/0: Johnston, Gray, Isenberg, Nottoli) and the motion was adopted.

The revised meeting summary was posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Item_5_Revised_Meeting_Summary.pdf

6. Reports from Other Agencies

6a. Department of Water Resources Draft Central Valley Flood Protection Plan

DSC Engineer, Eric Nichol began the panel discussion with an overview perspective of the Central Valley Flood Protection Plan (CVFPP). The Central Valley Flood Protection Act of 2008 (SB 5) directed the Department of Water Resources to prepare the draft Central Valley Flood Protection Plan by January 1, 2012. The Plan will be considered for adoption by the Central Valley Flood Protection Board by July 1, 2012.

Mr. Nichol introduced Mike Mierzwa and Anna Fock, both of DWR, who gave an overview of the CVFPP. Mr. Mierzwa stated the primary goal of the CVFPP was to improve flood risk management and focused on reducing the chance of flooding on lands protected by facilities of the State Plan of Flood Control, including those located in the Delta. A short video on the Plan and the work done by FloodSAFE was shown. Mr. Mierzwa followed the video with a PowerPoint presentation. The PowerPoint is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/20120209_CVFPP_DSCBriefing.pdf

A document was provided to the Council that discussed the Central Valley Flood Protection and the Delta Plan. It is posted on the Council website at http://deltacouncil.ca.gov/sites/default/files/documents/files/Item_6a_CVPP%20and%20the%20Delta%20Plan.pdf. Mr. Mierzwa and Ms. Fock answered questions and provided clarification for the Council members on the draft Plan.

At the conclusion of the briefing on Agenda Item 6b, the Council recessed for lunch at 12:35 and resumed the meeting at 1:20.

6b. Department of Water Resources Levees Program

Mr. Nichol presented Agenda Item 6b, a brief update on the status of Delta levee conditions from the Department of Water Resources. The information provided to the Council included levee conditions maps; both Delta-wide maps and maps on an island-by-island basis. Mr. Nichol stated that, unfortunately, DWR staff was not available to present this information to the Council at this meeting, however they would attend the March meeting and the material would be presented and discussed in detail at that time.

Public Comment – Agenda Item 6b:

Tom Zuckerman, Central Delta Water Agency, said he attends the Resources Agency's Delta Levees and Habitat Advisory Committee meetings and he recently heard a presentation where DWR stated that they were doing a Proposal Solicitation Package on Hazard Mitigation Plan (HMP) projects for \$50 million. Mr. Zuckerman stated that according to the presentation, it was felt that the \$50 million would be sufficient to correct the deficiencies within a year bringing all levees up to HMP standards.

7. Review of Other Plans

7a. Review of the DPC's Proposal to Sustain the Delta as an Evolving Place

DSC Chief Deputy Executive Officer, Dan Ray presented Agenda Item 7a by giving background information on the presentation and an overview of the materials included in the meeting materials. He introduced Mike Machado of the DPC and consultant Dr. Jeff Michael, who briefed the Council on the Delta Protection Commission's "Proposal to Protect the Delta as an Evolving Place," the proposed National Heritage Area designation, and all aspects of the Economic Sustainability Plan (ESP). The ESP included 38 recommendations and, at the direction of the Council, they were evaluated by staff for possible inclusion in the Delta Plan. Mr. Machado and Dr. Michael were joined by consultants Dr. Robert Pyke and Pete Dangermond, for the presentation of a PowerPoint on the ESP. Following the presentation, the panel discussed each recommendation, section by section, with a side-by-side review of Table 1, included in the staff report and Attachment 1 that described each proposal. The panel answered questions and provided clarification for the Council members. Public comment was taken after the discussion of each section beginning with the National Heritage Area designation proposal.

Public Comment – National Heritage Area:

None

Dr. Michael provided comments that are posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Jeffrey_Michael_021612.pdf

Public Comment - Delta Investment Fund:

Greg Zlotnick, State and Federal Contractors Water Agency, felt it was useful to consider the role of the Council in regard to the Investment Fund. The State and Federal Contractors Water Agency submitted written comments on the DPC's "Proposal to Protect, Enhance, and Sustain the Unique Cultural, Historical, Recreational, Agricultural and Economic Values of the Sacramento San Joaquin Delta as an Evolving Place" and provided specific feedback. The letter is posted on the Council's website at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/SFCWA_021512.pdf

At 5:11 p.m., the Council recessed for five minutes resuming the meeting at 5:16 p.m and continued the discussion of Agenda Item 7.

Public Comment - Levees and Public Safety Recommendations:

Campbell Ingram, Executive Officer, Sacramento-San Joaquin Delta Conservancy, commented on concerns regarding coordination with the DPC's proposal because of the overlapping roles with the Delta Protection Commission and the Sacramento-San Joaquin Conservancy. His comment letter is posted on the Council website at http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Delta_Conservancy_020912.pdf

Doug Brown for Mike McGowan, Yolo County Supervisor, stated that Yolo County would be submitting comments in writing.

Greg Zlotnick, State and Federal Contractors Water Agency, stated he concurred with the staff report regarding the DRMS analysis. Mr. Zlotnick commented on recommendation number 2 discussing matching the level of protection and the need to prioritize, and also on recommendation number 3. He stated he was supportive of the Levee Subvention Program but recommended a review of the program as a discussion of the coequal goals and how they fit into the Delta Plan.

8. Public Comment

Chair Isenberg asked if there were any members of the public who wished to make general public comment – there were none.

The meeting adjourned for the day at 5:55 p.m.

Friday, February 10, 2012, 9:00 a.m. – 2:00 p.m.

9. Call to Order

The meeting was called to order at 9:00 a.m., February 10, 2012, by Chair Phillip Isenberg.

10. Roll Call – Establish a Quorum

A quorum was not established and the Members acted as a committee of the Council, with Members Phillip Isenberg, Patrick Johnston, and Don Nottoli present. Absent: Hank Nordhoff, Gloria Gray, Felicia Marcus, and Randy Fiorini.

11. Continuation of Agenda Item 7a – Review of the DPC’s Proposal to Sustain the Delta as an Evolving Place

Mr. Ray, Mr. Machado, and Dr. Michael, continued the Review of the DPC’s “Proposal to Sustain the Delta as an Evolving Place” (Agenda Item 7a) from the previous day. They discussed with the Council each recommendation by doing a side-by-side review of Table 1, which was included in the staff report, and Agenda Item 7a, Attachment 1, a document describing each proposal. Each recommendation/proposal, beginning with the General Recommendations for Economic Sustainability, was discussed section by section and the panel and staff answered questions and provided clarification. Public comment was taken after the discussion of each of the sections.

Public Comment – General Recommendations for Economic Sustainability:

Greg Zlotnick, State and Federal Contractors Water Agency, commented on recommendation number 2 and noted the impacts on the Yolo Bypass. He agreed that we need to mitigate and alleviate impacts that happen and felt that with the exception of covered actions the land use planning recommendation seemed to be consistent with the Delta Plan. Mr. Zlotnick felt the Delta Plan is what local plans should be consistent with.

Tom Zuckerman, Central Delta Water Agency, stated he will submit written comments on all areas. His letter is posted on the Council website at <http://www.deltacouncil.ca.gov/sites/default/files/documents/files/Isenberg%20Feb%2020%202012.pdf>

Bill Geyer, Resource Landowner Coalition, felt what constituted full mitigation was not resolved and what was intended to be mitigated should be discussed issue by issue. Mr. Geyer stated full mitigation was in the eye of the beholder.

Public Comment – Recommendations for Economic Sustainability Agriculture:

Greg Zlotnick, requested clarification of language about performance measures in recommendation number 1 and agreed with the staff comments regarding consistency in recommendation number 3.

Doug Brown, Delta Counties Coalition, felt that recommendation number 3.1 was inconsistent with the law and cited Public Resources Code 29703. He stated that it seemed clear to him that the legislature agreed agriculture was a high priority in the primary zone.

Tom Zuckerman, Central Delta Water Agency, stated that there were some good people involved in the preparation of the DPC’s proposal and he hoped the Council would seriously accept the document because it was the only effort where the Delta residents

felt included. Mr. Zuckerman stated that the Delta was a cheap place for infrastructure and questioned why Delta agriculture wasn't protected as well as the Central Valley agriculture.

Public Comment - Recommendations for Economic Sustainability of Recreation and Tourism:

None

Public Comment – Recommendations for Infrastructure:

Greg Zlotnick, State and Federal Contractors Water Agency, commented on recommendation number 5, stating that it seemed potentially consistent but dredging activities could have overall consequences.

Public Comment – Recommendations for Habitat and Ecosystem Improvements:

Bill Geyer, Resource Landowners Coalition, commented on the compatibility of agriculture and wildlife uses, and the value of working with the private landowners. He felt it was an underutilized opportunity that may be a role for the Delta Conservancy to investigate.

Doug Brown, Delta Counties Coalition, commented on recommendation 1, and suggested identifying strategies related to BDCP that have little or no effect on the Delta. He questioned the use of the word "only" in proposal 6.6.

Greg Zlotnick, State and Federal Contractors Water Agency, commented on the conversion of agricultural lands and the value of the agricultural lands being converted. He felt that multiple uses of lands would be beneficial.

Mike Reagan, Solano County Supervisor, reacted to Mr. Grindstaff's concern about habitat restoration needed to comply with the biological opinion for smelt. Supervisor Reagan stated they have been working on the project for 11 years and identified a location in Suisun Marsh where it could appropriately go.

Public Comment – Water Supply Reliability:

None

Public Comment – Research and Monitoring:

Greg Zlotnick, State and Federal Contractors Water Agency, stated he appreciated the last part of the conversation and commented on recommendation 1. Mr. Zlotnick stated when talking about Delta alternatives, BDCP is what is meant, and said it is a phased program. Mr. Zlotnick stated the issues raised about habitat and water supply were not necessarily consistent with the coequal goals.

12. Public Comment

Chair Isenberg asked if there were any members of the public who wished to make general public comment – there were none.

13. Preparation for Next Council Meeting

The next Council meeting is scheduled on March 15-16, 2012 at the same location – the West Sacramento City Hall Galleria.

The meeting was adjourned at 12:06 p.m.